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Sent: 10/2/2018 1:40:36 AM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]
Subject: Re: WA Hydro Dams NPDES updates

Thanks for the update and all this hard work.

Sent from my iPhone

On Oct 1, 2018, at 2:49 PM, Wu, Jennifer <Wu.Jennifer@epa.gov> wrote:

Hi Everyone,

Given the fast moving parts on the WA hydro dam NPDES permits, I talked with Mike about giving a weekly update on these permits. I will also copy this into the permit tracker. If there are significant conversations that I should know about, please let me know. I'm trying to keep everyone, including people outside EPA, generally informed on where we are and what comes next.

This week my focus is getting the pre-draft Grand Coulee out for 401 cert and working with Martin on writing the BE for ESA consultation on the Lower Columbia and Lower Snake permits.

Here are other updates:

Lower Columbia and Lower Snake River Dams

1. Draft 401 certification request to Ecology – All 8 permits are out for 401 certification. I spoke with Ecology and will talk with them on 10/2/18 on timing for receiving draft 401 cert and questions they have.
2. 401(a)(2) certification request to Oregon – We are sending out letters today, 10/1/18, to DEQ on 401(a)(2). This is notification to the downstream state waters that the permits may affect their water quality and asking them to let us know if they object to the permits. I got a number of calls from DEQ on this two weeks ago with questions on what 401(a)(2) was and offered to talk with them about the permits. I have not heard from them, but they also have not gotten the permits yet.
3. Tribal Consultation Letters. These letters will be ready for Dan's signature on 10/1/18 requesting tribal consultation. This is a follow-up to emails in August 2018 and a presentation to tribes on September 19, 2018. Tribes include Cowlitz, Grand Ronde, Warm Springs, Yakama, Nez Perce, and Umatilla. (Colville, Kalispel, and Spokane Tribes are in the Grand Coulee area.)

Grand Coulee

1. Draft 401 certification request to Colville Tribes and Ecology - We expect to go out for the draft 401 certification request to Ecology and the Colville Tribes this week. Grand Coulee Dam discharges directly into Colville tribal and Washington waters. Significant issues are 316(b) language, Colville Tribes federal promulgated and tribally approved water quality standards, and missing outfalls.
2. 316b and BOR – Several of us have spoken with BOR on the Grand Coulee and on 316(b) in the last week. At this point, EPA HQ should have briefed Anna Wildeman, liaison to David Ross, about 316(b) and our interest in getting an answer from them on 316(b) general applicability to dams. On the Grand Coulee front, I have moved forward assuming that 316(b) applies and proposed compliance schedule language that is being reviewed by EPA HQ staff. Once we resolve this, I will share with Grand Coulee BOR. That should be done in the next 1-2 days. I believe we can have a workable solution on Grand Coulee and have let BOR know this and offered repeatedly for us to work together – they have responded they were interested.

3. Tribal Consultation Letters. We will send tribal consultation letters to the Spokane Tribe and Kalispel Tribe after sending out the draft 401 cert requests to Washington and Colville Tribes. I may send these later this week or the beginning of next week.

Overall

1. ESA consultation – Martin started working on finding the threatened and listed USFWS and NOAA species for all 9 dams. He also attended ESA training last week. John organized a call with the Services last week where we discussed the general approach. They were not generally opposed. Martin and I plan to finalize the species list this week and being on the BE with a proposed BE finished for internal review by October 12.
2. External communications – I've been talking externally on these permits with many entities to make sure everyone is informed. Here's a description of outreach with different groups:
 - a. Tribes – see above
 - b. Services – see above
 - c. Federal Caucus - Presented on September 18. Mary Lou has also talked extensively with above.
 - d. BOR – Many of us have been talking with BOR at different levels. I have at least weekly calls and/or emails with BOR, and EPA HQ provided a 316(b) briefing to BOR. We are agreeing to disagree on 316(b) while the question of 316(b) applicability to dams is being vetted at HQ. In the meanwhile, I'm working on 316(b) language for Grand Coulee Dam that will be workable. David Mabe told Mary Lou he was interested in this.
 - e. US Army Corps – Several of us have talked with Army Corps at different levels. I regularly talk with the Army Corps, and we have biweekly update calls on permits progress, implementation of expected monitoring, and clarification on various outfalls/permit conditions.
 - f. Columbia Riverkeeper – I contacted Columbia Riverkeeper to let them know I was working on the permit. Since then, I have spoken with Lauren Goldberg twice. I let her know about the proposed permit limits, plans, and timeline. They were interested in plans to control oil spills, the 401 certification process, 401(a)(2), and timing for issuing the permits.
 - g. Ecology – see above
 - h. ODEQ – see above

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